

Applicant: Ridwan Shabsigh
Serial No.: 10/658,991
Filed: September 9, 2003
Page 5

REMARKS

Claims 9, 10 and 12-21 are pending in the subject application. Applicant has herein amended claims 9 and 14 to clarify his invention. Upon entry of this Amendment, claims 9, 10 and 12-21 will be pending.

Support for amended claims 9 and 14 may be found, *inter alia*, in the specification at page 11, lines 28-33 and, *inter alia*, page 13, line 34 to page 14, line 1.

Rejections Under 35 U.S.C. § 112, first paragraph

Enablement

The Examiner rejected claims 9-10 and 12-21 as allegedly failing to comply with the enablement requirement. Specifically, the Examiner alleged that the specification, while enabling for the methods of treating erectile dysfunction, in a penis, wherein the subject is suffering from erectile dysfunction, comprising administration of a vector encoding VEGF into the corpus cavernosa, wherein the VEGF is expressed in the corpus cavernosa, thereby increasing or maintaining VEGF levels in the corpus cavernosa, and thereby increasing or maintaining the blood supply in the corpus cavernosa, and thereby treating erectile dysfunction, does not reasonably provide enablement for the absence of expression of the VEGF, the expression of VEGF without consequent treatment of erectile dysfunction, or increasing/ maintaining blood supply in the penis without treating erectile dysfunction for reasons of record. The Examiner also alleged that the

Applicant: Ridwan Shabsigh
Serial No.: 10/658,991
Filed: September 9, 2003
Page 6

specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and or use the invention commensurate in scope with the claims.

Applicant's Reply

In response, without conceding the correctness of the Examiner's position, applicant has amended the claims to clarify subject matter which is allowable.

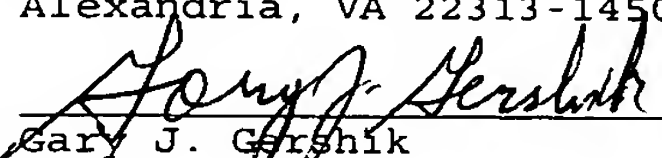
Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the amendments to the claims set forth above.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

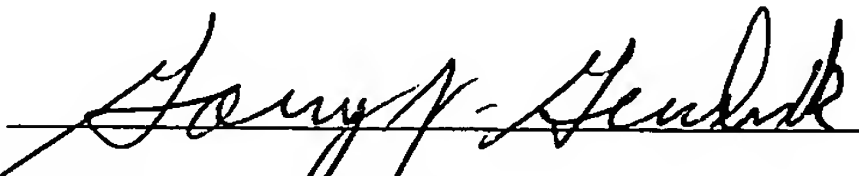
Applicant: Ridwan Shabsigh
Serial No.: 10/658,991
Filed: September 9, 2003
Page 7

No fee is deemed necessary in connection with the submission of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Gary J. Gershik Date
Reg. No. 39,992



John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400